

1 **Thomas P. Riley, SBN 194706**  
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9 **Attorneys for Plaintiff**  
10 **J & J SPORTS PRODUCTIONS, INC.**

11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE**  
13 **NORTHERN DISTRICT OF CALIFORNIA**  
14 **SAN JOSE DIVISION**

15 **J & J SPORTS PRODUCTIONS, INC.,**

16 **Plaintiff,**

17 **vs.**

18 **JOSE A. VIDALES, ET AL.,**

19 **Defendant.**

20 **CASE No. CV 10-5521-LHK**

21 **PLAINTIFF'S *EX-PARTE***  
22 **APPLICATION FOR AN ORDER**  
23 **EXTENDING TIME TO COMPLETE**  
24 **SERVICE**

25 **TO THE HONORABLE LUCY H. KOH, THE PARTIES, AND THEIR ATTORNEYS**  
26 **OF RECORD:**

27 As of this date, Plaintiff has been unable to successfully serve its initiating suit papers upon  
28 Defendant Jose A. Vidales, individually and d/b/a Taqueria El Gallo a/k/a El Gallo Jr. Restaurant.

**WHEREFORE,** Plaintiff makes the following representations and recommendations:

1. On December 6, 2010, Plaintiff's Complaint was filed against Defendant Jose A.  
Vidales.

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**PLAINTIFF'S *EX-PARTE* APPLICATION FOR AN ORDER EXTENDING**  
**TIME TO COMPLETE SERVICE**

2. Plaintiff has not yet perfected service of the initiating suit papers upon Defendant Jose A. Vidales, despite diligent efforts to do so.

3. As of this writing, Plaintiff's process server has made **ten (10) different attempts** to serve defendant Jose A. Vidales. These attempts have been unsuccessful (Please find a true and correct copy of the process server's Status Reports attached hereto and made part hereof as Plaintiff's Exhibit 1).

4. Notwithstanding the difficulties incurred to date regarding service, Plaintiff has identified an address that it believes *will be* successful to serve its initiating suit papers upon these particular defendants, and has notified its process server of same.

**WHEREFORE**, Plaintiff respectfully requests that the Court permit an additional thirty (30) days from today's date to effectuate service of the Summons and Complaint filed in this matter, or to file a motion for service by publication, or in the alternative, a Notice of Voluntary Dismissal as to the defendant.

Respectfully submitted,

Date: April 6 2011

/s/ Thomas P. Riley

**LAW OFFICES OF THOMAS P. RILEY, P.C.**

By: Thomas P. Riley, Esquire

Attorneys for Plaintiff

J & J Sports Productions, Inc.

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# Exhibit 1

THOMAS P. RILEY, Esq., 1026 (626) 799-0099  
 THOMAS P. RILEY, LAW OFFICES OF  
 1114 FREMONT AVENUE  
 SOUTH PASADENA, CA 91030  
 Fax: (626) 799-9795  
 tpirlaw@att.net

Ref. No. or File No.

ATTORNEY FOR (Name): **PLAINTIFF** **TAQUERIA EL GALLO 12-6-08**

(Insert name of court, judicial district or branch court, if any):  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT**  
**280 SOUTH FIRST STREET**  
**SAN JOSE, CA 95113**

PLAINTIFF/PETITIONER:

**J & J SPORTS PRODUCTIONS, INC**

DEFENDANT/RESPONDENT:

**VIDALES**

**\*\*\* STATUS REPORT \*\*\***

HEARING DATE:

TIME:

DEPT/DIV:

CASE NUMBER

Attn:

**CV10-05521 HRL**

We received the within process in our Process Department on February 7, 2011. We have attempted to effect service on the following party at the address(es) indicated below.

Servee: **JOSE A. VIDALES, INDIVIDUALLY AND DBA TAQUERIA EL GALLO AKA EL GALLO JR. RESTAURANT**

Residence: **2185 LUZ AVENUE, SAN JOSE, CA 95116**

Business: **Business address is unknown.**

Our attempts at service include, but are not limited to, the following dates, times and status detail:

February 9, 2011	05:55 pm	THIS IS A SINGLE FAMILY RESIDENCE. SECURED RESIDENCE WITH NO INTERCOM, DOG IN PROPERTY. THERE IS MAIL POURING OUT OF THE MAILBOX FOR THE SUBJECT.
February 12, 2011	11:05 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
February 17, 2011	07:15 pm	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR. MAILBOX STILL FULL. DOG ROAMING AROUND THE PROPERTY.
February 19, 2011	08:10 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
February 21, 2011	08:10 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
February 23, 2011	06:35 pm	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR. HONKED HORN, BUT NO RESPONSE FROM INSIDE OF RESIDENCE.
February 25, 2011	07:00 pm	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
February 27, 2011	11:00 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR. HONKED HORN, BUT NO RESPONSE FROM INSIDE OF RESIDENCE.
March 2, 2011	08:00 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR.
March 5, 2011	11:00 am	NO ANSWER (RESIDENCE), FENCED/GATED PROPERTY, NO ACCESS TO DOOR. HONKED HORN, BUT NO RESPONSE FROM INSIDE OF RESIDENCE.
Date: March 10, 2011		(CONTINUED ON NEXT PAGE)

If you have any additional information that would help us facilitate this service, please write it on a copy of this report and return it to us on route or fax it to: (213) 481-7343. Thank you.

**Absolute Service of Los Angeles**

1301 West Second Street, Suite 208, Los Angeles, CA 90026 (213) 481-7334

**\*\*\* SERVICE OF PROCESS STATUS REPORT \*\*\***

THOMAS P. RILEY, ESQ., Bar No. 194706 (626) 799-9795  
 THOMAS P. RILEY, LAW OFFICES OF  
 1114 FREMONT AVENUE  
 SOUTH PASADENA, CA 91030  
 Fax: (626) 799-9795  
 tprlaw@earthlink.net  
 Ref. No. or File No.

Last day(s) to serve, if any:

ATTORNEY FOR (Name): **PLAINTIFF** **TAQUERIA EL GALLO 12-6-08**

Insert name of court, judicial district or branch court, if any:  
**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT**  
**280 SOUTH FIRST STREET**  
**SAN JOSE, CA 95113**

PLAINTIFF/PETITIONER:  
**J & J SPORTS PRODUCTIONS, INC**

DEFENDANT/RESPONDENT:  
**VIDALES**

<b>*** STATUS REPORT ***</b>	HEARING DATE:	TIME:	DEPT/DIV:	CASE NUMBER:
Attn:				<b>CV10-05521 HRL</b>

March 10, 2011 03:00 pm DOCUMENTS HAVE BEEN PLACED ON HOLD FOR ONE WEEK PENDING FURTHER INSTRUCTIONS FROM YOUR OFFICE.

Date: **March 10, 2011**

If you have any additional information that would help us facilitate this service, please write it on a copy of this report and return it to us on route or fax it to: (213) 481-7343. Thank you.

**Absolute Service of Los Angeles**  
 1301 West Second Street, Suite 208, Los Angeles, CA 90026 (213) 481-7334

**\*\*\* SERVICE OF PROCESS STATUS REPORT \*\*\***

**PROOF OF SERVICE (SERVICE BY MAIL)**

I declare that:

I am employed in the County of Los Angeles, California. I am over the age of eighteen years and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, California. I am readily familiar with this law firm's practice for collection and processing of correspondence/documents for mail in the ordinary course of business.

On April 6, 2011, I served:

**PLAINTIFF'S *EX-PARTE* APPLICATION FOR AN ORDER EXTENDING TIME TO COMPLETE SERVICE**

On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage prepaid and following ordinary business practices, said envelope was duly mailed and addressed to:

Jose A. Vidales (Defendant)  
1520 Alum Rock Avenue  
San Jose, CA 95116

I declare under the penalty of perjury pursuant to the laws of the United States that the foregoing is true and correct and that this declaration was executed on April 6, 2011, at South Pasadena, California.

Dated: April 6, 2011

/s/ Maria Baird  
**MARIA BAIRD**